

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

**DENIED**

*Terry L. Wooten* 10/17/13  
TERRY L. WOOTEN  
U. S. DISTRICT JUDGE  
DATE

Richard G. Beck, Beverly Watson,  
Cheryl Gajadhar, Jeffrey Willhite,  
and Lakreshia R. Jeffery, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

vs.

Eric K. Shinseki, in his official capacity as  
Secretary of Veterans Affairs,

Rebecca Wiley, in her official capacity as the  
former Medical Director of William Jennings  
Bryan Dorn VA Medical Center,

Barbara Temeck, M.D., in her official capacity  
as the Chief of Staff of William Jennings  
Bryan Dorn VA Medical Center,

Ruth Mustard, RN, in her official capacity as the  
Director for Patient Care/Nursing Services of  
William Jennings Bryan Dorn VA Medical Center,

David L. Omura, in his official capacity as the  
Associate Director of William Jennings Bryan  
Dorn VA Medical Center, and

Jon Zivony, in his official capacity as the  
Assistant Director of William Jennings Bryan  
Dorn VA Medical Center,

Defendants,

Civil Action No.  
3:13-cv-00999-TLW

**DEFENDANTS' MOTION TO STAY THIS CASE  
IN LIGHT OF THE LAPSE OF FEDERAL APPROPRIATIONS**

The United States of America hereby moves for a stay of the entire above-captioned case.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the federal Defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. This case is being personally handled by the Department of Justice’s Civil Division, Federal Programs Branch. The Civil Division has concluded that this case does not fall within a statutory exception that would allow its civil litigators to work during the lapse in appropriations.

4. Undersigned counsel for the Department of Justice therefore requests a stay of this entire case until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. The Government accordingly requests that the hearing on the Government’s Motion to Dismiss, currently scheduled for October 18, 2013, be postponed until Congress appropriates funds for the Department of Justice. The Civil Division has determined that this hearing, even if conducted over the telephone, is not an excepted activity in which Civil Division litigators may participate during the lapse of appropriations.

7. Opposing counsel has authorized counsel for the Government to state that the Plaintiffs take no position on this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this entire case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

DATED: October 9, 2013

Respectfully Submitted,

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